



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 5, 1997

Mr. Jeffery C. Lewis
Atchley, Russell, Waldrop &
Hlavinka, L.L.P.
P.O. Box 5517
Texarkana, Texas 75505-5517

OR97-0251

Dear Mr. Lewis:

You ask for clarification and reconsideration of Open Records Letter No. 96-2066 (1996). Your request was assigned ID# 103685.

The Texarkana Independent School District (the "district"), which you represent, received a request for a copy of the "Tex Net Contract with all attachments." You released to the requestor a copy of the contract with Schedule 3.2(b) redacted. In Open Records Letter No. 96-2066 (1996), this office ruled that the district must withhold marked portions of Schedule 3.2(b) that constitute TexNet's fee schedule under section 552.110. In your request for reconsideration, you contend that a particular statement on page 12 of the contract, which we did not mark for withholding, should nonetheless be withheld under section 552.110 as a trade secret.

Schedule 3.2(b) of the contract, entitled "Compensation Schedule," lists the fees that the district pays for providing health benefits to its employees. In Open Records Letter No. 96-2066, both the district and TexNet contended that the fee schedule is trade secret information. TexNet addressed each of the six trade secret factors and established a prima facie case for excepting the fee schedule from disclosure under section 552.110. We marked the portions of Schedule 3.2(b) that we believed constitute TexNet's fee schedule and directed the district to withhold the marked information under section 552.110. As for the remaining information contained in Schedule 3.2(b), we were unable to determine from the information submitted for our review that the information revealed the fee schedule, and we therefore directed the district to release the remaining information.

Although the statement on page 12 of the contract at issue in this request for reconsideration does not on its face appear to reveal a particular fee schedule, we understand after speaking with counsel for the district that release of the information could indirectly

reveal the fee schedule. After examining the documents submitted for our review and careful consideration of the district's explanation of the information, we conclude that the district must withhold the statement on page 12 of the contract as a trade secret under section 552.110.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 103685

Enclosures: Marked documents

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